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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,861	12/12/2003	Michael R. McGovern	86373SLP	1546

7590
Pamela R. Crocker
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

01/12/2007

EXAMINER

SONG, HOON K

ART UNIT	PAPER NUMBER
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2882

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/734,861	Applicant(s) MCGOVERN ET AL.	
	Examiner Hoon Song	Art Unit 2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-8 and 11 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In view of the appeal brief filed on 7/3/2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liese, Jr. (US 4912740) in view of Yamashita et al. (JP02001083288A).

Regarding claim 1, Liese teaches an intraoral x-ray film packet, comprising:

an intraoral outer envelope (16);

a film chip (10) disposed within the outer envelope (16); and

a metal shielding sheet (14) disposed within the outer envelope (16).

However Liese fails to teach that the metal sheet is non-lead and substantially Tin.

Yamashita teaches the use of a Tin shielding material as a replacement for lead shielding materials in dental intraoral x-ray film packets (paragraph [0001] and [0009]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the metal shielding sheet of Liese with the Tin shielding material as taught by Yamashita, since the Tin shielding material of Yamashita would eliminate the need for lead shielding materials which are recognized as being harmful to both patients and the environment (paragraph [0005]).

Regarding claims 4 and 11, Yamashita teaches the non-lead sheet having a thickness of about 0.002 to about 0.0024 inches (paragraph [0012]).

Regarding claim 5, Yamashita teaches the sheet absorbs between about 60kVp to about 80 kVp of radiation energy (the shielding material sheets of Yamashita are considered to absorb radiation energy between 60-80 kVp since this x-ray energy range used in dental imaging).

Regarding claim 6, Liese teaches the outer envelop includes a laminated perimetric edge (figure 2).

Regarding claim 7, Liese teaches an intraoral x-ray film packet adapted to capture an intraoral image when exposed to a source of radiation, comprising:

- an intraoral outer envelope (16);
- a film chip (10) disposed within the intraoral outer envelope (16); and
- a metal sheet (14) disposed within the intraoral outer envelope (16) which necessarily would absorb backscatter radiation when exposed to a source of radiation.

However Liese fails to teach that the metal sheet is non-lead and substantially Tin.

Yamashita teaches the use of a Tin shielding material as a replacement for lead shielding (paragraph [0001] and [0009]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the metal shielding sheet of Liese with the Tin shielding material as taught by Yamashita, since the Tin material of Yamashita would eliminate the need for lead shielding material which are recognized as being harmful to both patients and the environment (see paragraph [0005]).

Regarding claim 8, Liese teaches the sheet (14) is disposed on one side of the film chip (10) such that, when the film chip (10) is exposed to a source of radiation to capture the intraoral image, the film chip (10) is intermediate the source of radiation and sheet (14) (figure 2).

Allowable Subject Matter

Claims 2-3 and 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 2-3 and 9-10, the prior art fails to teach the non-lead sheet is comprises of at least 99.95 percent tin as claimed in dependent claims 2-3 and 9-10.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-8 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoon Song whose telephone number is (571) 272-2494. The examiner can normally be reached on 9:30 AM - 7 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272 - 2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HKS

12/19/06
HKS



EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER